

101. As of this date, SMNI has not been provided any information relative to BellSouth's performance in support of the pre-order, ordering, provisioning or maintenance of services purchased from BellSouth.
102. Sprint has requested that performance measurement information be provided relative to BellSouth's support of the Orlando facilities-based operation. BellSouth indicated to Sprint in a June 24, 1997, meeting with BellSouth at its offices in Birmingham, Alabama, that the supporting systems and processes needed to capture and produce the performance measurements data were still being developed. At that meeting, BellSouth committed to reporting back to Sprint as to which performance elements could currently be captured and reported. BellSouth's response relative to this commitment was received by Sprint on July 23, 1997. BellSouth did not respond directly as to what capabilities BellSouth currently possesses to capture and report performance measurements. Rather, Sprint was referred back to BellSouth's negotiating team to finalize negotiations on what performance measurements data BellSouth would be willing to provide as part of Sprint's interconnection agreement with BellSouth. Accordingly, Sprint still has been provided no information about BellSouth's current capabilities to capture and report its performance in support of SMNI unbundled network element ordering, provisioning and maintenance processes.
103. Sprint believes that a review of the evidence presented by BellSouth in this proceeding clearly demonstrates that there is currently very little empirical data relative to BellSouth's support of CLECs in Louisiana. What is available is extremely limited in its scope and falls seriously short of providing the meaningful range of data necessary for this Commission to conclude that BellSouth has met its nondiscrimination and parity obligations.

104. The FCC's Order in CC Docket No. 97-137, Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as Amended, To Provide In-Region InterLATA Services in Michigan (issued August 19, 1997), outlines in paragraphs 133-168 how to determine whether an RBOC's OSS adequately meet the obligations set forth in Section 271 of the Act. Specifically, evidence needs to be developed on installation intervals for BellSouth's retail services versus CLEC services.

105. In paragraph 171, the FCC further notes:

In sum, we find that submission of data showing average installation intervals is fundamental to demonstrating that Ameritech is providing nondiscriminatory access to OSS functions. Such data is direct evidence of whether it takes the same time to complete installations for competing carriers as it does for Ameritech, which is integral to the concept of equivalent access. By failing to provide such data in this application, Ameritech has failed to meet its evidentiary burden.

106. BellSouth has not provided adequate evidence regarding average installation intervals in this application. A review of Mr. Stacy's Exhibit WNS-11 reveals data for what appear to be only basic business and residential resold services. This represents a small fraction of the service types required by CLECs from BellSouth. Moreover, no comparative performance information for unbundled network elements is provided as was deemed necessary by the FCC in paragraph 212 of the aforementioned Ameritech Order.

107. In addition, BellSouth has failed to provide empirical data on other key elements required before its application for authorization into in-region InterLATA services should be approved. These elements are summarized in paragraph 212 of the FCC's Ameritech Order:

We therefore conclude that, in order to provide us with the appropriate empirical evidence upon which we could determine whether Ameritech is providing nondiscriminatory access to OSS functions, Ameritech should provide, as part of a subsequent section 271 application, the following performance data, in addition to the data that it provided in this application: (1) average installation intervals for

resale; (2) average installation intervals for loops; (3) comparative performance information for unbundled network elements; (4) service order accuracy and percent flow through; (5) held orders and provisioning accuracy; (6) bill quality and accuracy; and (7) repeat trouble reports for unbundled network elements.”

108. The data provided by BellSouth in its Louisiana application before this Commission falls short in each area. No data is provided for measures #2-6 and installation intervals for measures #1 and #2 are incomplete as described above.
109. In summary, BellSouth has not provided adequate empirical performance data in its application for in-region interLATA authorization in Louisiana to enable this Commission to conduct a fact-based evaluation of BellSouth’s Section 271 compliance.
110. The key point is that until these performance measurements are captured, reported and evaluated based on actual performance in serving CLEC customers, a factual determination of whether BellSouth is treating CLECs on a nondiscriminatory basis can not take place.

Conclusion

111. BellSouth’s current OSS do not meet the nondiscriminatory access standard, nor do they provide CLECs with a meaningful opportunity to compete. The OSS lack full electronic flow-through to CLECs’ OSS, require manual intervention for numerous product and service types and, with the exception of the EDI transmission protocol, are not based on industry standards. In particular, Sprint’s experience has demonstrated that BellSouth’s OSS for unbundled network elements mandate substantial manual processing, multi-system access and constant follow-up to accomplish even a small number of service orders. They clearly do not provide parity with BellSouth’s own capabilities in serving its retail customers.

112. Measurement of BellSouth's performance in providing nondiscriminatory access to OSS and other network elements is in its infancy. What measurements do exist address a very limited set of parameters, do not encompass those measures specifically required by this Commission in its Ameritech Order, and are insufficient for this Commission's evaluation of BellSouth's ability to meet its nondiscrimination and parity obligations. BellSouth currently offers written statements about expected performance levels and measures it intends to track. These written statements are not equivalent to demonstrating through empirical data that these targets can be consistently met. Actually meeting the targets on a consistent basis is the only true indicator upon which a fact-based evaluation of nondiscriminatory treatment can be conducted. BellSouth currently does not meet this or the Commission's own articulated standard in this area.

113. Finally, perhaps the true test of BellSouth's ability to meet its nondiscriminatory access and parity obligations is whether CLECs can utilize BellSouth's processes, OSS interfaces and network infrastructure to provide quality service to end user customers. Sprint's experience through SMNI unambiguously demonstrates that the processes are immature, that the OSS interfaces are manually intensive, substantively deficient and ineffective, and that the network infrastructure has not been adequately prepared for doing business with CLECs. Aside from the excessive operating costs, lost customers and lost revenues that have resulted, Sprint has suffered damage to its reputation and brand name and can not proceed with market expansion plans given the current environment. These experiences reflect BellSouth's failure to provide nondiscriminatory access to network elements and its failure to provide CLECs with a meaningful opportunity to compete.

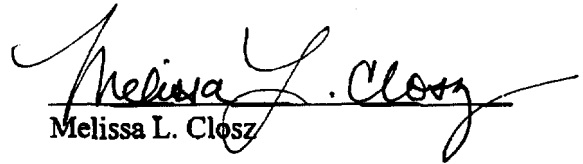
STATE OF FLORIDA

COUNTY OF

VERIFICATION

I, Melissa L. Closz, first being duly sworn, state on my oath that I am Director - Local Market Development for Sprint Communications Company L.P. ("Sprint"). I am authorized to act on behalf of Sprint regarding the foregoing statement. I have read the aforesaid statement and I am informed and believe that the matters contained therein are true and correct to the best of my knowledge.

Dated: November 21, 1997.

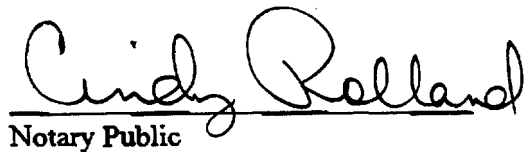

Melissa L. Closz

Melissa L. Closz appeared, and being first duly sworn upon her oath stated that she is Director - Local Market Development, that she signed the foregoing document in that capacity and the facts contained therein are true and correct according to the best of her knowledge.

IN WITNESS THEREOF, I have set my hand and affixed my official seal in the aforesaid county and state on the above date.



CINDY ROLLAND
My Comm Exp. 5/26/2001
Bonded By Service Ins
No. CC650459
☒ Personally Known ☐ Other I.D.


Notary Public

My commission expires: 5/26/2001

EXHIBIT A



Melissa Cloz
Local Market Development

Local Market Integration
150 Southpark Lane, Suite 400
Birmingham, AL 35275
Phone: 407-875-1144
Fax: 407-875-0086
Email: mclouz@bellsouth.net

April 18, 1997

Ms. Carol Jarman
Director
BellSouth Interconnection
Suite 440
Two Chase Corporate Drive
Birmingham, Alabama 35244

Dear Carol:

While we were optimistic after our January 23 meeting with BellSouth's Account Team serving Sprint that service order and installation processes would improve, Sprint Metropolitan Networks (SMNI) continues to experience delays with the majority of its orders placed with BellSouth. I am writing to request your assistance in quickly addressing several issues associated with these delays which have resulted in missed SMNI service installation commitments on multiple occasions.

First, BellSouth continues to miss its commitment to SMNI to return Customer Service Record (CSR) requests and Firm Order Confirmations (FOCs) within 48 hours of receipt. It is the exception when a CSR or FOC is returned in 48 hours. Usually, a follow-up call must be placed by SMNI to inquire as to status and to escalate the request for CSR or FOC return. As an example, during the week of March 30, numerous orders were delayed or rescheduled because SMNI was unable to acquire vital information in order to properly provision service to its customers.

A second source of concern is that SMNI has been informed by the Birmingham LCSC that there are only three individuals in their office that are able to properly accept and process SMNI orders. At one point, of the three, two were out of the office, leaving only one person to handle the entire work load. Even when specific orders were escalated, the responses by BellSouth included, "I have found your ASRs and will have Nancy process them when she returns on Monday." This was an escalation on Thursday, 4/3 for an order due 4/10. (Nancy was returning on 4/7.) Another response provided to SMNI was, "I have ten of your (SMNI) orders on my desk. Which one do you want first?"

Carol, the clear impression of the SMNI team is that the LCSC is significantly under-resourced to effectively handle SMNI orders. In addition, poor workforce scheduling has frequently made a bad situation worse.

To illustrate, by special arrangement with BellSouth, SMNI recently submitted ASRs on 4/3 for 143 lines for a large business customer with an FOC return commitment of 4/10. Correct FOCs were not been received until 4/16.

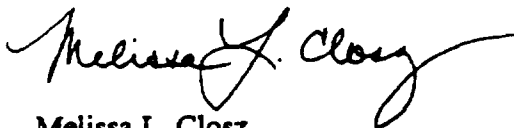
In another recent example, SMNI submitted ASRs on 3/17 with a 4/11 due date. Sprint had also sold this customer a PBX, and the customer requested that the service cut-over and PBX installation be handled concurrently. BellSouth was unable to locate the 3/17-dated ASR, was subsequently slow in responding, failing to return the FOC until 4/9, and on 4/10 determined that BellSouth would not be able to convert service on the requested due date. BellSouth requested an additional week to properly provision and prepare for the conversion. Needless to say, the entire cutover had to be postponed and the customer was furious.

Finally, three SMNI customer orders are currently delayed because of BellSouth's inability to properly provision an SMNI service order when the BellSouth service is provisioned utilizing a "DACS-mapped integrated SLC." For one of these customers, tests were performed while partnering with BellSouth to engineer service reusing the "DACS-mapped integrated SLC" facility. The tests were successful, SMNI special-ordered channel cards for its central office in order to provision the services and orders were subsequently submitted to BellSouth. BellSouth then informed SMNI that they were unable to process the orders and the conversions would be delayed until new facilities could be provisioned or until BellSouth could determine "how and if" they would provision this type of service request. The ASR for one of the three customers referenced was first submitted to BellSouth in September, 1996, and has been repeatedly scheduled, re-scheduled, and delayed.

Carol, I am asking for your assistance in addressing the above issues and would appreciate your response as to the nature and time-frames of the proposed resolutions.

Please contact me if you need additional detail. I look forward to your response.

Sincerely,



Melissa L. Cloz

cc: Joe Baker- BellSouth
George Head- Sprint
Richard Warner- Sprint
Bill Bolt- BellSouth

EXHIBIT B



BellSouth Interconnection Services
Suite 440
Two Chase Corporate Drive
Birmingham, Alabama 35244

Fax 205 988-1688
205 988-1700

Carol B. Jarman
Sales Assistant Vice President
Sprint Account Team

April 25, 1997

Ms. Melissa Closz
Director Local Market Development
Sprint Metropolitan Networks, Inc.
154 Southhall Lane Suite 4008
Maitland, FL 32751

Dear Melissa:

Thank you for your letter dated April 18. You expressed several concerns and I will address each of them.

The first issue in your letter was BellSouth's failure to meet the 48 hour commitment on Firm Order Confirmations (FOC). The primary reason for this has been a lack of resources. We have been working diligently to increase our personnel. Next week we will add 14 service representatives to our Birmingham office to handle Unbundled Network Element service requests. In approximately 2 weeks, 18 additional service representatives will complete their basic training. This represents an increase of more than 300 percent and will enable the LCSC to process your service requests in a more timely manner and meet our 48 hour FOC commitment.

We recently implemented new software to improve the automated delivery of Customer Service Records. In addition, a Project Manager has been charged with reviewing the process, documenting procedures and assigning responsibilities. There will also be an additional management person to supervise the clerical staff.

As you are aware, the account team is working diligently to transition SMNI to EXACT, which is a mechanized service ordering interface. We have scheduled a visit to your Orlando offices on May 7-9 to help facilitate that transition and will bring several subject matter experts to give hands on training to your personnel. This will also contribute to a more timely flow of information.

Ms. Melissa Closz

Page 2

April 25, 1997

Your additional concerns also relate to a lack of resources. Once again, the increase in personnel should alleviate this problem. We are sorry that the responses you received when inquiring about your orders were not in keeping with your expectations or BellSouth's desire to provide you the best possible service. As set forth above, BellSouth is taking the necessary steps to make sure this does not happen again.

I am not in a position to give you a definite answer regarding "DACS-mapped integrated SLC." BellSouth does not have any Methods and Procedures (M&P's) in place for a DACS cutover. A change in company policy has to be made before we can provision these orders. However, this has been escalated and we will provide you with a status on this issue next week.

I sincerely apologize for any inconvenience we have caused your company. The account team is acutely aware of the importance of prompt response times for service and provisioning in today's local environment. Toward that end, we will continue champion your needs within BellSouth.

A handwritten signature in cursive script, appearing to read "Carol".

cc: George Head - Sprint
Joe Baker - BellSouth
Richard Warner - Sprint
Bill Bolt - BellSouth

EXHIBIT C



George V. Head
Vice President
Local Market Integration
7301 College Blvd
Overland Park KS 66210
KSOPKV0203
Phone: 913-534-6102
Fax: 913-534-6304

May 1, 1997

BellSouth Telecommunications, Inc.
Mr. Joseph M. Baker
Vice President - Sales
Interconnection Services
675 West Peachtree Street, N. E.
Suite 4423
Atlanta, Georgia 30375

Dear Mr. Baker:

I am in receipt of Carol Jarman's letter to Melissa Closz dated April 27, 1997. I appreciate BellSouth meeting its Friday commitment with a response to the service difficulties we continue to experience. Carol and I also spoke briefly on Friday afternoon.

We agree with Carol's conclusion that BellSouth has not adequately staffed its LCSC. It has been our experience with other suppliers, however, that merely adding people, by itself, will not solve the service problem. Sprint recommends that a joint quality team be established that has the charter to mutually map the end-to-end process and identify opportunities for cycle time reduction and accuracy improvement. The team should also gain agreement on measurement metrics and metric calculation formulas and data sources.

Sprint also requests that, if not already in place, that BellSouth dedicate resources in its LCSC specifically to Sprint's account service needs. Sprint

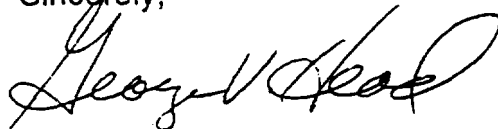
commits to provide timely forecasts to assist in appropriately sizing the group dedicated to Sprint's account.

We are hopeful that BellSouth's EXACT system will provide an acceptable interim interface for the local loop portion of SMNI service orders. The team that meets in Orlando next month should attempt to quantify the number and type of orders that may be processed through the EXACT automated interface.

With respect to BellSouth's 48 hour FOC commitment, it should be noted that Sprint does not consider 48 hour turn around to be an acceptable performance level. In a manual environment, Sprint believes that 24 hours is readily achievable. When automated processes are implemented, a 4 hour turnaround is expected and achievable. Absent this level of performance, BellSouth will be unable to meet its obligation to serve CLECs with the same speed and quality with which it serves its end user customers.

In our view, BellSouth has made no progress against its commitments made on January 23rd in Orlando. BellSouth's lack of performance has been harmful to Sprint's relationship with its customers, caused financial harm to Sprint and its customers, and is an impediment to the development of competition in Central Florida. As such, Sprint must regrettably insist that BellSouth fix its provisioning process, with demonstrated results, prior to 6-1-97. If not, Sprint will be forced to seek other remedies to achieve the service quality Sprint and its customers deserve and are legally entitled to receive.

Sincerely,



George V. Head

GVH:tlt

c: John Cascio
Melissa Closz
Ellen D'Amato
Carol Jarman (BS)
Rich Morris
Bob Runke
Gary Owens

EXHIBIT D

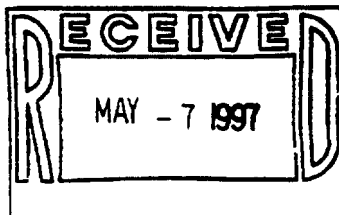


BellSouth Telecommunications, Inc.
Suite 4423
675 West Peachtree Street, N.E.
Atlanta, Georgia 30375

404 927-7140
Fax 404 525-0346

Joseph M. Baker
Vice President - Sales
Interconnection Services

May 5, 1997



Mr. George V. Head
Vice President
Local Market Integration
Sprint
7301 College Boulevard
Overland Park, KS 66210

Dear George:

This letter is in reply to your correspondence of May 1, 1997. I hope you did not misunderstand Carol Jarman's explanation of what is being done to satisfy Sprint Metro's business requirements. BellSouth is committed to serving Sprint Metro in the best manner reasonably possible. I will, however, address the issues raised in order to prevent any misunderstanding concerning BellSouth's commitment to providing Sprint Metro and Sprint NIS with appropriate service levels.

As you know, BellSouth has already taken substantial steps to ensure that Sprint NIS receives an appropriate level of service. Sprint NIS's interface with BellSouth is through a dedicated account team. Moreover, a portion of this team is assigned to work with both Sprint NIS and Sprint Metro to facilitate their working relationships with BellSouth as they enter local markets in the Southeast. Further, a project manager and a newly appointed customer support manager have been added to the LCSC to provide additional support in processing orders and addressing service needs. We are in the process of establishing an implementation team of subject matter experts to facilitate our CLEC customer's start up operation. As soon as this team is in place and properly trained, we will set up a series of meetings with Sprint to review end-to-end processes and to look for ongoing improvements.

These managers and Sprint's account team are in daily contact with their counterparts at Sprint NIS, Sprint Metro, and the LCSC. BellSouth account management for Sprint Metro was transitioned to the Sprint Account Team in January in order to provide dedicated support that is experienced in dealing with Sprint and its requirements.

As Carol pointed out in her letter to Melissa Cloz, additional service representatives to handle service requests for unbundled network elements were added to the LCSC the week of April 28, and more representatives will complete training and join the LCSC staff the week of May 12. Though Sprint NIS has currently issued no orders for service, I believe, assuming BellSouth is provided reasonable forecasts from Sprint NIS in a timely fashion, the LCSC and the Sprint dedicated account team will be able to provide Sprint NIS with the proper level of service once Sprint NIS begins to place orders.

BellSouth has asked Sprint NIS for forecasts of the number of expected orders since December 1996. We appreciate that forecasting can be difficult, but to date the information BellSouth has received is too general to be useful for planning and staffing purposes. In order to be of value, BellSouth will need specific forecast information by month, state, number/type of lines (e.g., residence, business, trunks, ESSX/MultiServ, etc.), UNEs and number/type of service orders (new, disconnect, move, record only, change, etc.).

George V. Head
Sprint

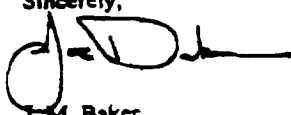
Page 2
5/5/97

It was mentioned in your letter that Sprint does not consider the 48 hour FOC commitment acceptable; however, the 48 hour FOC commitment is recognized as the standard by Sprint Metro in Ms. Closs's April 18 letter. BellSouth intends to fulfill its commitment to Sprint Metro in this regard. While the 48 hour FOC commitment is at issue between Sprint NIS and BellSouth in current contract negotiations, this disagreement does not support the observation that a 48 hour FOC commitment on the part of BellSouth is somehow improper or inappropriate.

Lastly, BellSouth will provide hands-on training to Sprint Metro on the EXACT system on May 8. This system should minimize manual intervention and streamline order flows. As you know, the account team and BellSouth's subject matter experts have worked extensively with Sprint NIS to set forth fully the options for electronic interfaces and to determine the best applications for Sprint NIS's use.

George, BellSouth values Sprint as a long term customer, and it is our desire to maintain a relationship with Sprint that is based upon mutual respect, trust and commitment. I can assure you BellSouth is committed to do what it can to promote a positive and productive business relationship with Sprint.

Sincerely,



J. M. Baker

Copy: Ellen D'Amato
Carol Jarman
Gary Owens
Bob Runke

EXHIBIT E

BellSouth FOC Problems

April 1997

APRIL 1997

FOC PROBLEMS (OVER 48 HOURS)

(FOC = Firm Order Confirmation)

(ASR = Access Service Request)

(PON = Purchase Order Number)

Total ASRs Submitted: 19

Total FOCs Received Within 48 Hours: 1

Percent of FOCs Received Within 48 Hours: 5%

CUSTOMER	Customer PON	ASR TO BELL	FOC Received	Number of Business Days From ASR to FOC	Actual Completion Date
Customer A	N001895	04/04/97	04/10/97	5	05/12/97
Customer B	N001800	04/16/97	04/21/97	4	05/28/97
Customer C	N002008	04/24/97	04/28/97	3	04/29/97
Customer D	N001100A	04/02/97	04/10/97	6	04/26/97
Customer E	N001100	04/02/97	04/10/97	7	04/21/97
Customer F	N001574	04/07/97	04/11/97	5	04/23/97
Customer G	N004310	04/14/97	04/18/97	5	06/25/97
Customer H	N006062B	04/10/97	04/16/97	5	04/28/97
Customer I	N000155	03/31/97	04/08/97	7	04/18/97
Customer J	N010883	04/07/97	04/14/97	6	05/05/97
Customer K	N005280	04/10/97	04/15/97	4	04/17/97
Customer L	N006462	04/16/97	04/21/97	4	05/01/97
Customer M	N007200A,B	03/17/97	04/09/97	18	04/18/97
Customer N	N007491	04/04/97	04/09/97	4	04/15/97
Customer O	N004576	04/04/97	04/09/97	4	04/17/97
Customer P	N00744A	04/01/97	04/09/97	7	04/14/97
Customer Q	C000555	04/14/97	04/22/97	7	04/23/97
Customer R	N005200	04/08/97	04/16/97	7	04/24/97

BellSouth FOC Problems

May 1997

May 1997

FOC PROBLEMS (OVER 48 HOURS)

(FOC = Firm Order Confirmation)
(ASR = Access Service Request)
(PON = Purchase Order Number)

Total ASRs Submitted: 16
Total FOCs Received Within 48 Hours: 8
Percent of FOCs Received Within 48 Hours: 50%

[illegible]

BellSouth FOC Problems

June 1997

June 1997

FOC PROBLEMS (OVER 48 HOURS)

(FOC = Firm Order Confirmation)
(ASR = Access Service Request)
(PON = Purchase Order Number)

Total ASRs Submitted: 15
Total FOCs Received Within 48 Hours: 4
Percent of FOCs Received Within 48 Hours: 27%

CUSTOMER	Customer PON	ASR TO BELL	FOC Received	Number of Business Days From ASR to FOC	FOC Received Date
Customer A	barr.ds1	06/24/97	06/26/97	3	08/01/97
Customer B	N002661	05/23/97	06/02/97	6	06/20/97
Customer C	centralst.ds0	06/17/97	06/27/97	9	07/03/97
Customer D	N005750	05/30/97	06/04/97	4	06/12/97
Customer E	N005052	06/05/97	06/09/97	3	06/24/97
Customer F	N007900A	06/05/97	06/11/97	5	07/18/97
Customer G	lakehi.ds0	06/17/97	06/23/97	4	07/12/97
Customer H	N007900B	06/05/97	06/11/97	5	07/18/97
Customer I	story.dso	06/05/97	06/11/97	5	07/15/97
Customer J	N009146	06/11/97	06/25/97	11	06/19/97
Customer K	C009145/46	06/11/97	06/20/97	11	06/27/97

July 1997

FOC PROBLEMS (OVER 48 HOURS)

(PON = Purchase Order Number)

Percent of FOCs Received Within 48 Hours: 60%

[illegible]

August 1997

FOC PROBLEMS (OVER 48 HOURS)

(PON = Purchase Order Number)

Percent of FOCs Received Within 48 Hours: 54%

[illegible]

BellSouth FACILITIES PROBLEMS

September 1997

(FOC = Firm Order Confirmation)

(ASR = Access Service Request)

(PON = Purchase Order Number)

[illegible]

